

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER JONATH SMITH, STAR # 13375,) **No. 04-2556**
DEPARTMENT OF POLICE, CITY OF CHICAGO)

FINDINGS & DECISION

On June 24, 2004, the Superintendent of Police filed charges with the Police Board of the City of Chicago against Police Officer **JONATH SMITH**, Star # 13375, (hereinafter sometimes referred to as "Respondent") seeking the separation of the Respondent for violating the following rules:

Rule 1: "Violation of any law or ordinance."

Rule 2: "Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department."

Rule 8: "Disrespect to or maltreatment of any person, while on or off duty."

Rule 9: "Engaging in any unjustified verbal or physical altercation with any person, while on or off duty."

Rule 14: "Making a false report, written or oral."

Rule 15: "Intoxication on or off duty."

The Police Board of the City of Chicago caused a hearing on these charges against Police Officer **JONATH SMITH**, Star # 13375, to be had before **JACQUELINE A. WALKER**, Hearing Officer of the Police Board of the City of Chicago on August 20, 2004.

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Following the hearing, members of the Police Board read and reviewed the certified transcription of the proceedings of the hearing and viewed the videotapes of the proceedings. **JACQUELINE A. WALKER**, Hearing Officer, made a report and conferred with the Police Board before it rendered a decision.

As a result of the foregoing, the Police Board of the City of Chicago finds and determines that:

(1) The Respondent was at all times a Police Officer employed by the Department of Police of the City of Chicago.

(2) The charges were filed in writing and a Notice, stating the time, date and place, when and where a hearing of the charges was to be held, together with a copy of the original charges, was served upon the Respondent more than five (5) days prior to the hearing on the charges.

(3) Throughout the hearing, the Respondent did appear in person and was represented by counsel.

(4) The Respondent Police Officer **JONATH SMITH**, Star # 13375 as charged herein, is **guilty** of violating, to wit:

Rule 1: "Violation of any law or ordinance", in the following instances:

A) On or about June 24, 2002, at or near 800 West Lill Street, while off duty, he intentionally and knowingly and without legal justification caused bodily harm to his girlfriend and/or household member, Charity Jackson, in that he forcefully grabbed and/or squeezed her by the neck, and/or struck her about the mouth causing her lip to suffer a cut and/or bruising and swelling, in violation of Chapter 720 ILCS 5/12-3.2(a)(1).

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B) On or about June 24, 2002, at or near 800 W. Lill Street, while off duty, he intentionally and knowingly and without legal justification made physical contact of an insulting or provoking nature with his girlfriend and/or household member, Charity Jackson, in that he forcefully grabbed and/or squeezed her by the neck while forcing her to walk, and/or struck her about the mouth, in violation of Chapter 720 ILCS 5/12-3.2(a)(2).

(6) The Respondent Police Officer **JONATH SMITH**, Star # 13375 as charged herein, is **guilty** of violating, to wit:

Rule 2: “Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department”, in the following instances:

A) On or about June 24, 2002, at or near 800 W. Lill Street, while off duty, and during a domestic dispute, he had a verbal altercation and/or physically abused Charity Jackson, which ultimately led to members of the Chicago Police Department being called to the scene.

B) On or about June 24, 2002, at or near 800 W. Lill Street, while off duty he was intoxicated.

(7) The Respondent Police Officer **JONATH SMITH** , Star # 13375 as charged herein, is **guilty** of violating, to wit:

Rule 8: “Disrespect to or maltreatment of any person, while on or off duty”, in that:

On or about June 24, 2002, at or near 800 W. Lill Street, while off duty, he physically abused Charity Jackson, in that he forcefully grabbed and/or squeezed

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her by the neck while forcing her to walk, and/or struck her about the mouth causing her lip to suffer a cut and/or bruising and swelling.

(8) The Respondent Police Officer **JONATH SMITH**, Star # 13375 as charged herein, is **guilty** of violating, to wit:

Rule 9: “Engaging in any unjustified verbal or physical altercation with any person, while on or off duty”, in that:

On or about June 24, 2002, at or near 800 W. Lill Street, he engaged in a verbal altercation with Charity Jackson and/or physically abused her, in that he forcefully grabbed and/or squeezed her by the neck while forcing her to walk, and/or struck her about the mouth causing her lip to suffer a cut and/or bruising and swelling.

(9) The Respondent Police Officer **JONATH SMITH**, Star # 13375 as charged herein, is **guilty** of violating, to wit:

Rule 14: “Making a false report, written or oral”, in that:

On or about September 17, 2002, he made a false report to the Office of Professional Standards, in that he stated that on June 24, 2002, he did not engage in a verbal or physical altercation with Charity Jackson, and/or stated that Charity Jackson was attacked by four unknown white males.

(10) The Respondent Police Officer **JONATH SMITH**, Star # 13375 as charged herein, is **guilty** of violating, to wit:

Rule 15: “Intoxication on or off duty”, in that:

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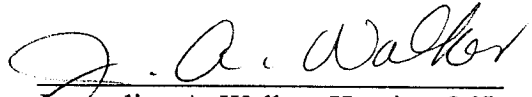
On or about June 24, 2002, while off duty, he was intoxicated, in that a Breathalyzer examination performed showed that his Blood Alcohol Level was approximately .122.

By the reason of the findings of fact and of guilt herein cause exists for suspension of Respondent Police Officer **JONATH SMITH**, Star #13375 from his position as a Police Officer in the Department of Police and from the services of the City of Chicago from June 26, 2004, until he successfully completes an approved domestic violence program and until the Board issues a further Order reinstating him. The domestic violence program that Police Officer **JONATH SMITH** enrolls in must be approved by the Department's Personnel Concerns Program before he enrolls in it, and must be completed under the supervision of the Personnel Concerns Program. The counseling agency shall indicate in writing on its official letterhead stationary whether Police Officer **JONATH SMITH** successfully completed the program or if he failed to successfully complete the program. Police Officer Smith shall sign the necessary waivers of confidentiality to permit the counseling program to make its report. The domestic counseling program shall be undertaken by Police Officer Smith on his own time and at his own expense. Notwithstanding the foregoing, if Police Officer Smith is enrolled in a City health insurance plan, which would pay for such a counseling program, he shall be entitled to seek reimbursement from such plan, subject to the plan's normal requirements. Police Officer Smith shall remain suspended until further order of the Board is issued. Police Officer Smith shall tender the documents showing successful completion of an approved domestic violence program on or before December 1, 2005. The Board shall reconsider this matter after receiving documents from Police Officer Smith showing

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successful completion of an approved domestic violence program. In the event that Police Officer Smith fails to submit such documentation on or before December 1, 2005, the Board shall issue such further Order as it deems appropriate.

Respectfully Submitted,


Jacqueline A. Walker, Hearing Officer

DECISION

The members of the Police Board, having read and reviewed the certified copies of the transcription of the proceedings, having received the oral report of the Hearing Officer **JACQUELINE A. WALKER**, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopts all findings herein and;

IT IS HEREBY ORDERED that the Respondent Police Officer **JONATH SMITH**, Star # 13375, as a result of being found guilty of violations of Rule 1, 2, 8, 9, 14 and 15 be and he is suspended from his position as a Police Officer from the Department of Police and from the services of the City of Chicago from June 26, 2004 until he successfully completes an approved domestic violence program and until the Board issues a further Order reinstating him. The domestic violence program that Police Officer **JONATH SMITH** enrolls in must be approved by the Department's Personnel Concerns Program before he enrolls in it, and must be completed under the supervision of the Personnel Concerns Program. The counseling agency shall indicate in writing on its official letterhead stationary whether Police Officer **JONATH SMITH** successfully completed the program or if he failed to successfully complete the program. Police Officer Smith shall sign the necessary waivers of confidentiality to permit the counseling program to make its report. The domestic counseling program shall be undertaken by Police Officer Smith on his own time and at his own expense. Notwithstanding the foregoing, if Police Officer Smith is enrolled in a City health insurance plan, which would pay for such a counseling program, he shall be entitled to seek reimbursement from such plan, subject to the plan's normal requirements. Police Officer Smith shall

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remain suspended until further order of the Board is issued. Police Officer Smith shall tender the documents showing successful completion of an approved domestic violence program on or before December 1, 2005. The Board shall reconsider this matter after receiving documents from Police Officer Smith showing successful completion of an approved domestic violence program. In the event that Police Officer Smith fails to submit such documentation on or before December 1, 2005, the Board shall issue such further Order as it deems appropriate.

DATED AT CHICAGO, ILLINOIS, COUNTY OF COOK, STATE OF ILLINOIS,

THIS 15TH DAY OF DEC., A.D. 2004.

Demetrius J. Carney
Victor J. Carney
James J. Carney
John J. Carney
John J. Carney

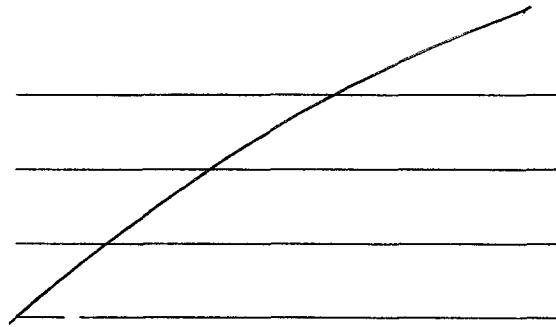
Max A. Carney

Executive Director of the Police
Board

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DISSENT

The following members of the Police Board hereby dissent from the decision of
the majority of the Board.



RECEIVED A COPY OF THE FOREGOING COMMUNICATION

THIS ____ DAY OF _____, 2004.

SUPERINTENDENT OF POLICE